

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FRED ALSTON, as a Trustee of the LOCAL  
272 LABOR-MANAGEMENT PENSION  
FUND; FRED ALSTON, as a Trustee of the  
LOCAL 272 WELFARE FUND

Plaintiffs,

- against -

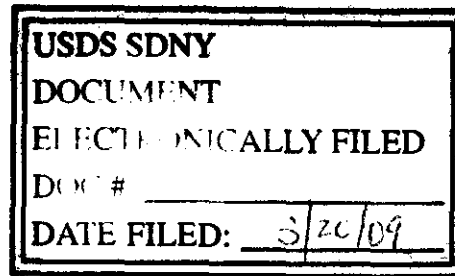
ST. CHARLES GARAGE,

Defendant.

**ECF CASE**

08 Civ. 10393 (PGG)

ORDER



PAUL G. GARDEPHE, U.S.D.J.:

WHEREAS the Plaintiff commenced this action on December 1, 2008 by filing the Summons and Complaint herein; and

WHEREAS the Plaintiff executed service on Defendant St. Charles Garage on December 30, 2008 by serving the New York Secretary of State and Plaintiff filed proof of such service on January 13, 2009; and

WHEREAS Defendant St. Charles Garage has not answered or otherwise responded to the Summons and Complaint herein and the Defendant's time to answer has expired; and

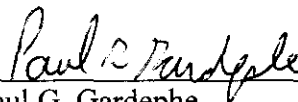
WHEREAS the Clerk of the Court issued a certificate of default as to Defendant St. Charles Garage on February 17, 2009; and

WHEREAS this Court ordered Defendant St. Charles Garage to show cause on March 20, 2009 why default judgment should not be entered against it and Defendant St. Charles Garage did not appear before the Court; it is hereby

ORDERED that a default is entered against Defendant St. Charles Garage and that this matter is referred to Magistrate Judge Dolinger for an inquest to determine the appropriate scope of Plaintiff's requested audit and the proper amount of damages and attorneys' fees. The Clerk of the Court is directed not to close the case.

Dated: New York, New York  
March 20, 2009

SO ORDERED.

  
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Paul G. Gardephe  
United States District Judge